

CONTINUING RESOLUTION

Mr. REED. Mr. President, I want to make a few observations about the continuing resolution and the appropriations process this year.

First, I want to commend Chairman INOUE for his leadership and efforts to accommodate the views and input of all senators in crafting the omnibus appropriations bill. He went a long way to meet the demands of the minority leader and other senators to include a \$29 billion cut from the budget level requested by the President. Indeed, I was deeply disappointed that the proposed omnibus would have eliminated the Leveraging Educational Assistance Program, LEAP. For more than a decade, I worked with states, educators, and others to reauthorize and fund this program, which uses Federal resources to leverage additional state aid to help low income students attend college. As much as I was dissatisfied by this outcome, I was prepared to vote for this bill because it is far superior to the inefficiencies and consequences of a continuing resolution. I am disappointed that such a significant compromise was blocked by the other side of the aisle.

Instead, we are being forced to adopt a short-term continuing resolution, CR, through March 4, 2011. With few exceptions, the CR provides no direction from Congress on how funds can be used, while at the same time failing to make critical adjustments and investments for certain programs and agencies. Critics of the omnibus appropriations bill should understand that unlike the thoughtful, lengthy, and open appropriations process that produced the omnibus, this CR was put together quickly without the input of most senators. As a result, it is hardly a thoughtful instrument for funding the government.

I am particularly concerned about the impact the CR will have on the capabilities of the Securities and Exchange Commission to provide robust oversight of financial markets.

Fair and orderly markets are critical to restoring confidence in the American economy. Despite considerable increases in the number of firms it is required to oversee and tremendous growth in the size and complexity of the securities markets and products it regulates, the SEC's workforce and technology investments are only now returning to the levels of five years ago.

Under the CR, the SEC will be funded at the fiscal year 2010 rate, which is nearly \$200 million less than what was included during bipartisan negotiations on the omnibus. Without the omnibus's funding level, the SEC will have to halt several technology projects and forgo replacement of departing staff. Short-changing the SEC will also make it extraordinarily difficult to fulfill new statutory requirements under the Dodd-Frank Wall Street Reform and Consumer Protection Act. The SEC has been tasked with helping establish an effective regulatory system for the pre-

viously unseen and largely unregulated over-the-counter derivatives market and the hedge fund markets. It has new responsibilities over credit rating agencies, including annual exams.

We should not make the past mistake of underfunding the SEC. This agency is critical to restoring the confidence of retirees and investors in the United States capital markets, so that they will again invest in American companies, helping inject new life into our economy. We should not be penny-wise and pound-foolish. Continuing to starve the SEC of the funds it needs to police markets will ultimately make it more likely to see a major fraud. Any incremental savings will be cold comfort for the losses incurred by taxpayers and investors.

Likewise, I believe we need to fully fund the Commodity Futures Trading Commission. At a hearing that Senator LEVIN and I held on December 8, 2010, Chairman Gensler informed us that his agency is going to be woefully short of resources. The continuing resolution for the CFTC will leave them about \$116 million short of the funding level included in the omnibus.

I hope that we will have chance to address these critical shortfalls in the next funding vehicle to come before the Senate.

While it is true that overall the 36-page CR did not provide sufficient direction and oversight, it is important to acknowledge that the CR does make a few adjustments—some that are essential and others which I believe deserved greater consideration.

I want to applaud the addition of language in the CR that requires the Department of Health and Human Services to obligate the same amount of funding for the Low Income Home Energy Assistance Program as it did during the same period last year. This will make a total of \$3.95 billion available to low-income families and individuals during the cold winter months. I hope that in the final appropriations bill we will meet the bipartisan request of 44 Senators to fully fund this program at the \$5.1 billion level for the entirety of fiscal year 2011.

I am also pleased that the CR addresses funding for the Pell grant. According to recent estimates from the Office of Management and Budget, students would have faced a reduction of as much as \$1,840 from the maximum grant. The CR will address the shortfall and ensure that we can maintain the Pell grant maximum at \$5,550. Despite the economic hardships families are facing, they continue to prioritize education. They know that it is the foundation for our economic recovery and future prosperity. We must keep our end of the bargain by maintaining our commitment to the Pell grant.

I am, however, concerned that the CR includes a provision to codify a misguided Bush-era regulation that undermines our central goal of ensuring that students in high poverty schools are taught by highly qualified teachers and

that parents know the qualifications of their children's teachers. Under the No Child Left Behind Act, enacted in 2002, a highly qualified teacher must have obtained full state certification, which may include certification obtained through alternative routes. The Bush administration published regulations allowing that a teacher who is merely enrolled in or making progress toward state certification to be deemed highly qualified. Parents in California have challenged the regulation in the courts and have won a favorable decision on appeal. Quite simply, they want to know whether their children's teachers are fully certified or just in the process of becoming certified. This provision prevents them from knowing that.

I am also deeply disappointed that this CR does not contain important language that would have allowed the Department of Defense to reprogram funds for new starts, increases in production, or other realignments. This provision would have given the Department further flexibility to ensure critical defense programs stay on schedule and on cost. This is especially important for the Navy's ship construction programs—programs that the Navy supports, were authorized by the Defense Authorization Act, and employ thousands of Rhode Islanders.

Without this provision, the Navy, and all of the services, will be further limited and constrained to execute programs within the funding levels set last year.

I have described some of the pitfalls with this CR. It is a crude instrument that has many shortcomings. Regrettably, the decision by our colleagues on the other side of the aisle to walk away from the omnibus placed the continued operation of government agencies from the Pentagon to the FBI to the FDA to the Treasury at risk. Adopting the CR, notwithstanding its significant flaws, is the only responsible option available. In the coming months, it is my hope that we can craft a full year funding measure that corrects the serious issues the CR has created and failed to address.

STORMWATER POLLUTION

Mr. CARDIN. Mr. President, today the Congress stands ready to approve S. 3481, a bill to clarify Federal responsibility to pay for stormwater pollution. This legislation, which will soon become law, requires the Federal government to pay localities for reasonable costs associated with the control and abatement of pollution that is originating on its properties. At stake is a fundamental issue of equity: polluters should be financially responsible for the pollution that they cause. That includes the Federal Government.

Annually hundreds of thousands of pounds of pollutants wash off the hardened surfaces in urban areas and into local rivers and streams, threatening the health of our citizens and causing significant environmental degradation.

A one-acre parking lot produces about 16 times the volume of runoff that comes from a one-acre meadow. These pollutants include heavy metals, nitrogen and phosphorous, oil and grease, pesticides, bacteria (including deadly *e. coli*), sediment, toxic chemicals, and debris. Indeed, stormwater runoff is the largest source sector for many imperiled bodies of water across the country. According to the Environmental Protection Agency, stormwater pollution affects all types of water bodies including in order of severity; ocean shoreline, estuaries such as the Chesapeake Bay, Great Lakes shorelines, lakes and rivers. Degraded aquatic habitats are found everywhere that stormwater enters local waterways.

We added a provision to the bill in order to rectify a specific problem in the District of Columbia, where the Department of Treasury has been paying some stormwater fees. The provision simply says that agencies and departments should use their annual appropriated funds to pay for stormwater fees. This is exactly what they all do today in paying for their drinking water and wastewater bills or any other utility bill, for that matter. This new language requires that Congress make available, in appropriations acts, the funds that could be used for this purpose. It does not mean that the appropriations act would need to state specifically or expressly that the funds could be used to pay these charges. The legislative language doesn't say that, and I want to be perfectly clear that such a restrictive reading is not our intent.

I believe that this administration recognizes its responsibility to manage the stormwater pollution that comes off Federal properties. But that responsibility needs to translate into payments to the local governments that are forced to deal with this pollution. Adopting this legislation today removes all ambiguity about the responsibility of the Federal Government to pay these normal and customary stormwater fees.

This is a matter of basic equity.

ACCOMPLISHMENTS OF THE 111TH CONGRESS

Mrs. BOXER. Mr. President, as we end this year, I wanted to look back at what we have been able to accomplish—and look ahead at some of the important priorities we must tackle next year.

The 111th Congress has been one of the most productive in our Nation's history.

Congressional scholar Norman Ornstein has said the legislative achievements of this session are "at least on par with the 89th Congress" of 1965–1966, under President Johnson, which produced landmark civil rights legislation as well as Medicaid and Medicare.

We should take a moment to reflect on some of those accomplishments.

After years of unsupervised gambling on Wall Street fueled an unsustainable housing bubble, we inherited the worst economic crisis since the Great Depression. We helped bring our economy back from the brink by taking bold action.

We passed the Economic Recovery Act, which has created or saved more than 350,000 jobs in my home State of California alone.

We approved the bipartisan HIRE Act—a jobs package that cut taxes for companies that hire unemployed workers and extended the highway trust fund. As chairman of the Senate Environment and Public Works Committee, I was pleased to help advance this critical measure to protect more than 1 million jobs nationwide building our roads, bridges and transit systems.

We helped small businesses—which are the true engines of our economic growth—by passing the Small Business Jobs and Credit Act. I was proud to join with Senator JEFF MERKLEY to create the new \$30 billion small business lending fund, which will help community banks give small businesses the credit they need to create hundreds of thousands of new jobs.

We approved legislation to help save up to 16,500 teacher jobs in California—and nearly 160,000 teachers' jobs nationwide—and paid for it by closing tax loopholes for companies that ship jobs overseas.

We worked across the aisle to give much-needed tax relief to millions of middle-class families and extend unemployment insurance for 2 million out-of-work Americans and 400,000 Californians who would otherwise have lost their benefits this month. And I was proud to work with Senator FEINSTEIN and others to make sure this tax-relief package invests in clean energy, which will create tens of thousands of jobs in California and across the country.

And to ensure that we never again face a similar financial crisis, we passed landmark legislation to crack down on the reckless gambling on Wall Street, enacting tough reforms that will curb abuses, shine a light on dark markets and put a new cop on the beat to protect consumers. I was proud to offer the first amendment, which will ensure that taxpayers are never again on the hook to bail out Wall Street.

The 111th Congress was a landmark Congress for advancing civil rights for all Americans.

We approved the Lilly Ledbetter Fair Pay Act, to help ensure equal pay for equal work—regardless of age, race, gender, religion or national origin. It was the first bill signed into law by President Obama last year.

We passed the Matthew Shepard Local Law Enforcement Hate Crimes Prevention Act to strengthen the ability of law enforcement to investigate and prosecute hate crimes. The law adds gender, sexual orientation, disability and gender identity as protected categories under Federal hate crimes law.

Last week, in a historic step, we repealed the discriminatory don't ask, don't tell policy that has banned gays and lesbians from serving openly in the U.S. military. Back in 1993, I offered an amendment on the Senate floor to keep this unjust policy from being codified into law. Now, 17 years later, I am so proud to witness this incredible victory for civil rights, equality and a stronger nation.

I was also proud to join in confirming two new Supreme Court Justices—Sonia Sotomayor, the first Latina to serve on the high court, and Elena Kagan. When Kagan was sworn in this fall, it marked the first time our country has had three women serving together on the Supreme Court.

We also confirmed some highly qualified and historic judicial nominees from California this Congress—including Judge Lucy Koh for the Northern District of California, Judge Jacqueline Nguyen for the Central District of California, Judge Dolly Gee for the Central District of California, and Judge Kimberly Mueller for the Eastern District of California.

The 111th Congress also took momentous steps forward in protecting consumers, children and all our families.

We passed a landmark health care reform bill that will extend coverage to 7 million uninsured Californians, help seniors pay for prescription drugs, provide tax credits to help small business owners afford coverage, and ensure that insurance companies can no longer deny coverage because of pre-existing conditions.

We approved legislation to allow the Food and Drug Administration to regulate tobacco and crack down on cigarette marketing and sales to kids.

We approved major reforms to the student loan system—ending subsidies to big banks, saving taxpayers money and providing Pell grants to 63,000 more students in California over the next decade.

We passed credit card reform legislation to protect consumers from excessive fees and deceptive practices.

And this month, we enacted a food safety bill that will help consumers and California's agriculture industry by protecting our Nation's food supply from outbreaks of foodborne illnesses.

I am also pleased that the Airline Passenger Bill of Rights that I have championed with Senator OLYMPIA SNOWE is now being implemented by the Department of Transportation. As a result, we are already seeing fewer long tarmac delays for airline passengers.

The 111th Congress has also taken great strides to protect public health and our environment.

We passed legislation protecting more than 2 million acres of wilderness and creating a national system to conserve land held by the Bureau of Land Management. The legislation included three bills I sponsored designating 700,000 additional acres of wilderness in California, from the Eastern Sierra Nevada to the San Jacinto Mountains in Riverside County.